

JOHN R. ROBERTS
Bankruptcy Trustee
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(530) 626-6441

[Our File No. 5592]

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IN RE:

CASE NO. 11-22685-D-7

BLUE RIBBON STAIRS, INC

DC NO. JRR-1

DATE: **NOVEMBER 9, 2011**

Debtor(s).

TIME: **10:00 AM**

COURTROOM: 34

**TRUSTEE'S MOTION FOR TURNOVER OF ATTORNEY FEES OF
ATTORNEY FOR DEBTOR
(Bankruptcy Code §542)**

NOW COMES, JOHN R. ROBERTS, duly appointed and acting Trustee in this matter, and moves this Court for an Order directing the debtor's attorney, Julia P. Gibbs, to turnover all fees she has received in this case based on the following:

1. This case was originally filed as a Chapter 11 on February 2, 2011.
2. The Debtor's attorney Julia Gibbs (Respondent) was approved to represent the Debtor pursuant to court order on February 25, 2011. See Exhibit "A"
3. According to Respondent's application to be employed she received a twenty-five thousand dollar (\$25,000.00) retainer. See Exhibit "B".
4. Three-thousand dollars (\$3,000.00) of this amount was applied to pre-petition fees.
5. One-thousand, thirty-nine dollars (\$1,039.00) was used for filing fees.
6. The balance of twenty-thousand, nine-hundred, and sixty-one dollars (\$20,961.00) is remaining in Respondent's trust account.

- 1 7. According to Respondent's application the funds in her trust account remain
2 property of the Bankruptcy Estate.
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4 8. Again according to Respondent, said funds shall remain in her trust account
5 until such time as the Court approves any fees and distribution. See Exhibit
6 "B"
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8 9. This case was converted from a Chapter 11 to a Chapter 7 on June 30,
9 2011.
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11 10. Despite many requests by the Trustee for the Respondent to apply to the
12 Court for approval of her fees, she has refused to do so.
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14 11. The Trustee has demanded turnover the funds from the Respondent, and
15 the Respondent again has refused to do so.
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17 12. This Bankruptcy Estate is administratively insolvent and therefore there will
18 be a pro-rata distribution among the administrative claimants.

19 WHEREFORE, the Trustee prays that the Court make its Order for the immediate
20 turnover of the fees paid to Respondent by the debtor, the total sum of twenty-thousand,
21 nine-hundred, and sixty-one dollars (\$20,961.00), to the Trustee.
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DATED: October 11, 2011

/s/ JOHN R. ROBERTS, TRUSTEE
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